

THE EFFECTIVE DATE OF THIS ORDINANCE IS October 1, 2024

ORDINANCE NO. 24-04-004

**ORDINANCE
OF
THE COUNTY COUNCIL OF FREDERICK
COUNTY, MARYLAND**

RE: PETITION TO OPEN CLOSE AND ALTER MT. PHILIP ROAD

D. R. Horton, Inc. ("Petitioner") filed a petition to Open, Close and Alter a portion of Mt. Philip Road at the intersection with Alt. 40, pursuant to the Annotated Code of Maryland, Local Government Article, §12-512.

The petition proposed altering the current signalized full movement intersection of Mt. Philip Road and Alt. 40 to become a right-in, left-in, and right-out movement to eliminate the left turn movement from Mt. Philip Road onto westbound Alt. 40. This realignment and improvement is consistent with the City of Frederick's master planned roadway extension of Butterfly Lane, which will result in the creation of a new signalized intersection at Alt. 40 and Old Camp Road.

The County Council held a public hearing on October 1, 2024, to consider the petition during which members of the public and representatives of the Petitioner were provided the opportunity to provide testimony.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Petition to Open, Close and Alter Mt. Philip Road, as shown on Exhibit A is approved subject to the following conditions:

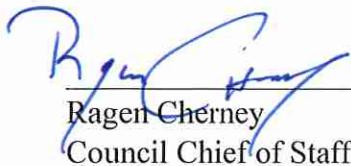
- a) That the alteration of Mt. Philip Road shall not be undertaken and implemented until the extension of Butterfly Lane is completed and the signalized intersection of Alt. 40

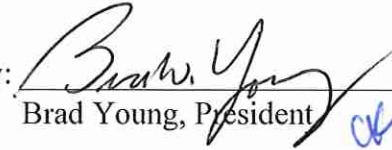
and Butterfly Lane is completed and operational.

The undersigned hereby certify that this Ordinance was approved and adopted on the 1st day of October, 2024.

ATTEST:

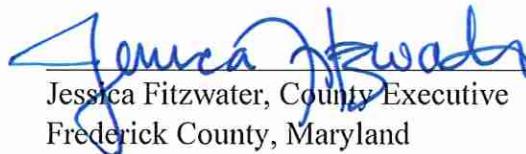
COUNTY COUNCIL OF FREDERICK COUNTY,
MARYLAND


Ragen Cherney
Council Chief of Staff

By: 
Brad Young, President 

Received by the County Executive: October 10, 2024

COUNTY EXECUTIVE ACTION: Approved Veto No Action


Jessica Fitzwater, County Executive
Frederick County, Maryland 10/10/24
Date



March 14, 2024

County Executive & Council President
Frederick County, Maryland
c/o David Olney, Engineering Supervisor
30 North Market Street
Frederick, Maryland 21701

Re: Summervale – Petition to Open/Close/Alter Road – Mt. Phillip Road

Honorable County Executive & Council President:

On behalf of D.R. Horton, Inc., a Delaware corporation, and pursuant to Maryland Code Annotated, Local Government Article, Section 12-512, find enclosed Petition to Open/Close/Alter Mt. Phillip Road at its intersection with Alt. 40 and supporting documentation.

We look forward to your review and acceptance of this request.

Sincerely,
Rodgers Consulting, Inc.

Timothy J. Crawford, P.E.

Cc: Eric Soter, Rodgers Consulting
Devin Urge, DR Horton
McCurdy, Dean & Graditor, LLC

Petition to Open/Close/Alter Road

Pursuant to Section 12-512 of the Local Government Article of the Annotated Code of Maryland, as amended, D.R. Horton, Inc., a Delaware corporation ("Petitioner"), developer of the Summerville property located on the southwest corner of Mt. Phillip Road and Alt. 40, further described as the property consisting of part of Parcel 2159 as shown on Frederick County Tax Maps 066H and 0411; said Parcel 2159 being that property acquired by Summers Family Limited Partnership (n.k.a. Summers Family, LLLP), from John A. Summers, by a deed dated December 27, 1985, and recorded among the Land Records of Frederick County, Maryland in Liber 1316 at folio 426, hereby petitions the governing body of Frederick County, Maryland (the "County") to alter Mt. Phillip Road at its intersection with Alt. 40 in accordance with the City of Frederick approved preliminary plat for the property, the approved Adequate Public Facilities Ordinance (APFO) requirements for the property, and as required by the Maryland State Highway Administration and City of Frederick to implement their master planned roadway construction of Butterfly Lane extended.

The said Petitioner proposes by this Petition that the County: alter the current signalized full movement intersection of Mt. Phillip and Alt. 40 to become a right in, left in, and right out movement to eliminate the left turn movement from Mt. Phillip onto westbound Alt. 40 and remove the existing traffic signalization, all as more specifically shown on Exhibit A to this Petition. Improvements to the road in question will be made at the expense of Petitioner. The alteration of this intersection will allow for completion of the City of Frederick's master planned roadway extension of Butterfly Lane through the Summerville development to create a new signalized intersection at Alt. 40 and Old Camp road, thereby removing the existing "dog leg" maneuver required by vehicles traveling west on Butterfly Lane to reach Old Camp Road in a manner that optimizes traffic safety and flow.

As required by Section 12-512 of the Local Government Article of the Annotated Code of Maryland, as amended, thirty (30) days public notice of Petitioner's intent to submit this Petition to the County was published by three (3) separate insertions at consecutive weekly intervals in the Frederick News-Post on January 5, 12 and 19, 2024. A copy of the Affidavit of Publication to evidence the Petitioner's compliance with this requirement is attached to this Petition as Exhibit B.

The undersigned Petitioner respectfully requests that this Petition be granted and approved by the County pursuant to the appropriate review and public hearing process.

WITNESS:

D.R. HORTON, INC.,
A Delaware corporation

Dilks

By: Jonathan Gallo

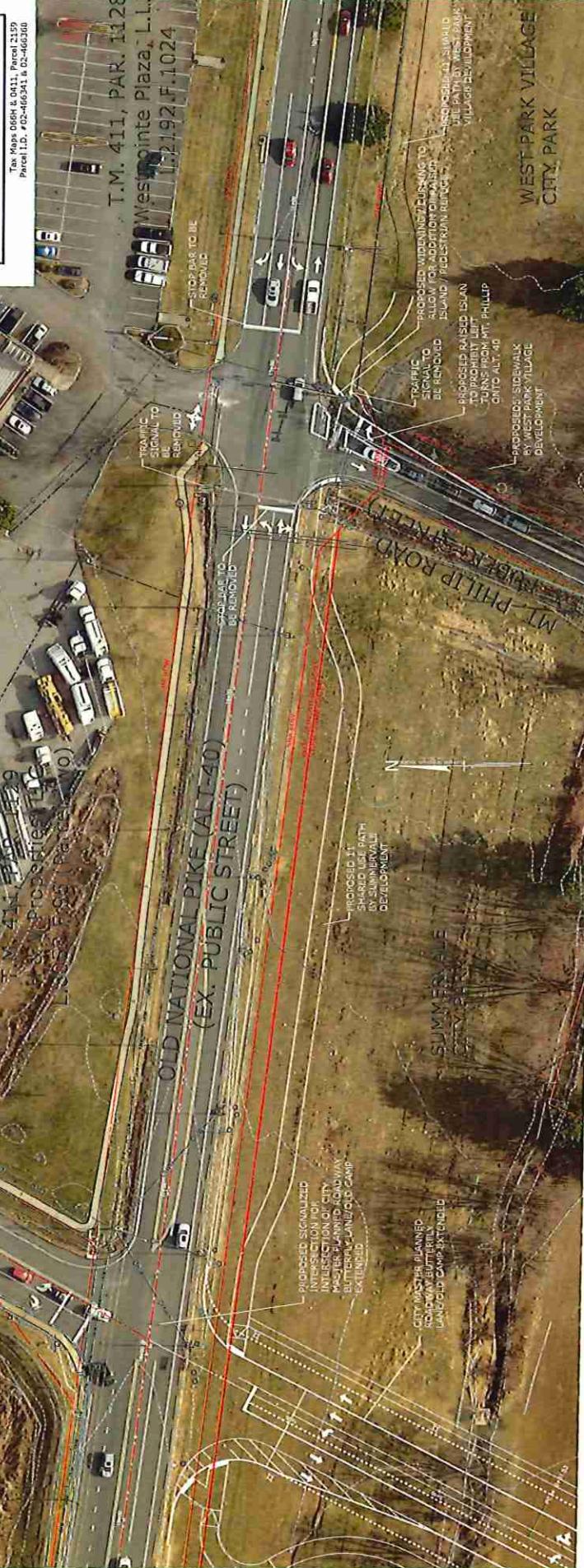
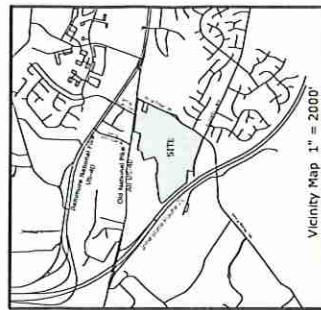
STATE OF MARYLAND, COUNTY OF FREDERICK, TO WIT:

I HEREBY CERTIFY that on this 13th day of March, 2024 before me, the undersigned officer, personally appeared Jonathan Gallo as representative of D.R. Horton, Inc., a Delaware corporation (Petitioner) known to me, or satisfactorily proven, to be the person whose name is subscribed to the instrument herein and who acknowledged the foregoing instrument to be his act and deed in such capacity and that he is authorized to make this acknowledgement.

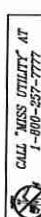
WITNESS my hand as Notarial Seal:

LAUREN E. WORTHINGTON
NOTARY PUBLIC
PRINCE GEORGE'S COUNTY
MARYLAND
MY COMMISSION EXPIRES OCTOBER 24, 2025

Lauren E. Worthington
NOTARY PUBLIC
My Commission Expires: 10/24/2025



NOTE: IMPROVEMENTS SHOWN HEREON ARE TO BE COMPLETED BY THE SUMMERTIME DEVELOPMENT AS PART OF THE ADEQUATE PUBLIC FACILITIES ORDINANCE REQUIREMENTS BY THE CITY OF FREDERICK FOR THE PROJECT. THIS INCLUDES CONSTRUCTION OF THE CITY'S MASTER PLANNED ROADWAY CONNECTION OF BUTTERFLY LANE/OLD CAMP EXTENDED TO CONNECT TO ALT. 40 AT OLD CAMP ROAD AND BECOME A SIGNALIZED INTERSECTION. IN CONJUNCTION WITH THE OPENING OF THE NEW CITY MASTER PLAN ROADWAY THE INTERSECTION OF MT. PHILLIP AND ALT. 40 SHALL BE CONVERTED TO PRECLIDE THE LEFT TURN MANEUVER FROM MT. PHILLIP ONTO ALT. 40, AND TRAFFIC SIGNALIZATION IS TO BE REMOVED. THESE IMPROVEMENTS ARE BEING COMPLETED AS DIRECTED BY THE CITY OF FREDERICK AND THE MARYLAND STATE HIGHWAY ADMINISTRATION.



MT. PHILLIP AT ALT. 40 SHA/CITY REQUIRED MODIFICATIONS

**RODGERS
CONSULTING**
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Ph. 301-941-1700 Fx. 301-941-6226
www.rodgers.com

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Summerville
Tax Map 411, P. 249
2nd District, Frederick County, Maryland
City of Frederick, Maryland
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EXHIBIT A
Scale 1" = 2000 ft
SPL. No. 0020211
DATE 06/07/2007
MATERIALS 002022-
SPL. No. 002021
DATE 06/07/2007
MATERIALS 002022-
SPL. No. 1 OF 1

GRAPHIC SCALE
1" = 2000 ft
111' - 0" 15'